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January 14, 2022

MEMO ENDORSED

VIA ECF

Honorable Kenneth M. Karas  
United States District Judge  
U.S. District Court, Southern District of New York  
300 Quarropas Street  
White Plains, New York 10601

Dear Judge Karas:

Defendants Johnson Controls, Inc. and JCIM LLC (collectively "JCI") and Adient plc ("Adient," and collectively with JCI, "the Adient Defendants") are filing, today, Responses in Opposition to (i) Plaintiffs' Motion for Summary Judgment, Doc. 226; and (ii) FCA US LLC's ("FCA's") Motion for Summary Judgment on Crossclaims, Doc. 239.

The Adient Defendants' Responses include separate declarations of counsel for each of the two response briefs. The exhibits to the declarations include: (i) exhibits from depositions and other documents produced in discovery by FCA and Defendant Yanfeng Automotive Interior Systems ("YFAI") and marked "Produced Subject to Protective Order"; (ii) excerpts of deposition testimony relating to those documents (the "FCA and YFAI Protected Exhibits") and marked confidential in accordance with the Court's Second Amended Stipulated Protective Order ("Order"), ECF No. 103; and (iii) expert reports pertaining to the minor plaintiff W.S.R.'s claims and injuries ("Expert Reports Exhibits"), which discuss the minor plaintiff W.S.R.'s protected health information.

The Order provides that where parties produce documents that are commercially confidential or propriety and /or contain trade secrets (i.e., "Confidential Information"), any documents marked accordingly, and any testimony or other information based upon such documents, shall be considered protected and subject to the Order. Order par. 1. The Order further provides for the protection of confidential and proprietary information between the parties pursuant to the terms outlined therein. See Order at ¶ 11 ("if a party seeks to introduce into evidence or present Confidential Information in support of or opposition to a motion, the party seeking to introduce or present the Confidential Information shall file any such documents under seal and request the Court to seal . . ."). Additionally, with respect to the Expert Reports Exhibits, the materials discuss minor plaintiff W.S.R.'s protected health information, including medical and psychological records, treatment, and diagnosis.

Honorable Kenneth M. Karas

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As a result, the Adient Defendants hereby file this letter motion in accordance with the Order to file the exhibits in support of the Adient Defendants' Responses under seal. The documents the Adient Defendants are filing under seal are FCA and YFAI Protected Exhibits that FCA and/or YFAI marked according to the Order, and which therefore may contain information to which FCA and YFAI may object if not filed under seal. Specifically, such documents and related deposition excerpts may contain confidential, sensitive, and/or trade secret information, the release of which could cause competitive or pecuniary injury to FCA and/or YFAI. As a result, while the Adient Defendants do not take a position on whether various FCA and YFAI documents and testimony produced pursuant to the Order are in fact confidential, the Adient Defendants are filing such documents under seal in accordance with the Order, par. 11, and to avoid violating the Court's Order.

Very truly yours,


*/s/ John P. Mitchell*

John P. Mitchell  
Counsel

*Counsel for the Adient Defendants*

Granted.

SO ORDERED

  
KENNETH M. KARAS U.S.D.J.

March 1, 2022  
White Plains, NY